

United States District Court
Eastern District of California

Casey Joseph Cicero,
Petitioner,

No. Civ. S 04-2519 MCE PAN P

vs.

Order

William Duncan,
Respondent.

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Petitioner, a state prisoner proceeding without counsel,
seeks a writ of habeas corpus.

A judge "entertaining an application for a writ of habeas
corpus shall forthwith award the writ or issue an order directing
the respondent to show cause why the writ should not be granted,
unless it appears from the application that the applicant or
person detained is not entitled thereto." 28 U.S.C. § 2243.
Petitioner may be entitled to relief.

1 I therefore direct respondent to respond to petitioner's
2 application within 60 days from the date of this order. See Rule
3 4, Fed. R. Governing § 2254 Cases. An answer shall be
4 accompanied by any and all transcripts or other documents
5 relevant to the determination of the issues presented in the
6 application. See Rule 5, Fed. R. Governing § 2254 Cases.
7 Petitioner's reply, if any, shall be filed and served within 30
8 days of service of an answer. If the response to petitioner's
9 application is a motion, petitioner's opposition or statement of
10 non-opposition shall be filed and served within 30 days of
11 service of the motion, and respondents' reply, if any, shall be
12 filed within 15 days thereafter. The Clerk of the Court shall
13 serve a copy of this order together with a copy of petitioner's
14 April 27, 2005, amended petition for a writ of habeas corpus
15 pursuant to 28 U.S.C. § 2254 on Jo Graves, Attorney General for
16 the State of California.

17 Dated: May 10, 2005.

18 /s/ Peter A. Nowinski

19 PETER A. NOWINSKI

20 Magistrate Judge
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